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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,841	08/23/1999	Britta Daume	6887	9106

7590 07/02/2002

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EXAMINER

LUEBKE, RENEE S

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 07/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/491,841

Applicant(s)

Daume

Examiner

Renee S. Luebke

Art Unit

2833



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30, and 39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30, and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3, 7, 8, 11, 13, 14, 16-18, 20, 22-26, 29, 30 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cauderay, et al. (EPO 0 744 788 A1) in view of Tinnerman '627. The device of Cauderay (see Figs. 6 and 7) comprises a flexible/elastic base structure 10, sealing lips 11, 12, and a band shaped, electrically conducting contact element 4 including a metal contact protrusion 9. As noted by applicant and as now required by the independent claims the contact protrusion 9 of Cauderay is not formed integrally with the band element 4. However, Tinnerman teaches the use of a contact element 10 comprising elastic integrally formed projections 15 that better contact the base 21. This arrangement achieves better electrical contact on an encircling member that is intended to contact a cylindrical member. For this reason, it would have been obvious to use the contact projections of Tinnerman in place of the contact projections element 9 of Cauderay.

Applicant argues that Cauderay "teaches away from an integrally formed metal band and spacer element" because the spacer is a braided element which cannot be integrally formed with the solid element. However, the mere use of a different technique does not "teach away" from an alternative. Cauderay uses a braided element because a deformable element is required. The band of Tinnerman teaches the use of another type of deformable element on a band. This deformable element, projection 15 of Tinnerman accomplishes the same purpose without requiring an additional part to be added to the device. Therefore, it would have been obvious to use the integral projections of Tinnerman in place of the added projecting part of Cauderay in order to achieve the same required deformability with less parts.

Applicant further argues that the sharp points on the projections of Tinnerman would cause damage to a coaxial cable such as that of Cauderay and therefore would not have been a useable alternative. Initially, it is noted that sharp points are frequently used on similar connectors (see Wright). Also, one of average skill in the art would have the knowledge required to adjust the point sharpness, and other necessary details, appropriately to the material to be contacted. Therefore, the points of Tinnerman are not seen to have been an impediment to using the general teaching therein to improve the device of Cauderay.

Applicant does not separately discuss the limitations of the dependent claims.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. **It is suggested that responses to this final action be faxed to:**

(703) 872-9319 or 308-7722, 308-7724

This facsimile transmission service for formal amendments is provided as part of Technology Center 2800's After Final program to improve communication with our customers. Use of this program reduces processing time, will result in more timely responses by the Office and should result in fewer requests for extensions of time. Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

For formal communications, please mark "EXPEDITED PROCEDURE"

For informal or draft communications please clearly label "PROPOSED" or "DRAFT"

Alternatively, responses may be mailed to:

Box AF
Assistant Commissioner for Patents
Washington, DC 20231

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)
2201 South Clark Place, Arlington, Virginia.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
June 26, 2002